

APPEAL NO. 031637  
FILED JULY 31, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 19, 2003. The hearing officer determined that: (1) the compensable injury of \_\_\_\_\_, extends to include osteoarthritis/posttraumatic arthritis of the right hip; and (2) the respondent (claimant) had disability from August 2, 2002, through March 3, 2003, as result of the compensable injury of \_\_\_\_\_. The appellant (self-insured) appeals these determinations on legal and sufficiency of the evidence grounds. The claimant urges affirmance.

DECISION

Affirmed.

The self-insured contends that arthritis is not compensable as a matter of law, citing Reyes v. Liberty Mut. Fire Ins. Co., 749 S.W.2d 234 (Tex. App.-San Antonio 1988, no writ). In Reyes, the appellate court affirmed a grant of summary judgment against the claimant, *viz.*, the claimant's arthritic condition was an ordinary disease of life. The court stated as the basis for its decision that the claimant failed to produce expert medical evidence which would establish causation to a reasonable degree of medical probability between the arthritic condition and the claimant's employment. Reyes, 749 S.W.2d at 237, 238, citing Schaefer v. Texas Employers' Insurance Association, 612 S.W.2d 199 (Tex. 1980). Contrary to the self-insured's assertion, Reyes does not hold that arthritis is inherently noncompensable and an ordinary disease of life.

The hearing officer did not err in making the complained-of determinations. The determinations involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the medical evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**JG  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Edward Vilano  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge